

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:04CR3045
)	
v.)	
)	
VICTOR C. HARRIS,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

I previously denied the defendant's motion to reduce his sentence as a result of the most recent retroactive changes to the "crack" Guidelines. (Filing no. 180.) I reasoned that the defendant's earlier reduction for an earlier change in the "crack" Guidelines was all that he was entitled to even under the most recent amendment. Not to be deterred, the defendant filed two motions for reconsideration.

After the reconsideration motions were filed, and just to be sure, I ordered the probation officer to prepare a "2011 Retroactive Sentencing Worksheet." She has done so. The officer concluded that the Guideline calculations remain the same under the most recent amendment.¹ I agree.

IT IS ORDERED that:

1. The motions for reconsideration (filing no. 181 and filing no. 184) are denied.

¹I previously found that the defendant was responsible for 846 grams of crack. With that, the base offense level is 34, the total offense level is 36 (2 points for a gun), and defendant's criminal history category is III. Thus, his reduced sentence of 235 months in prison remains unchanged by the amendment.

2. The Clerk shall provide a copy of this Memorandum and Order to Jennifer Baker, United States Probation Officer. Ms. Baker shall file the 2011 Retroactive Sentencing Worksheet in the court file.
3. The Clerk shall provide a copy of this Memorandum and Order to the defendant at his last known address and to counsel of record.

DATED this 29th day of December, 2011.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge